

**REMARKS/ARGUMENTS**

The Examiner is thanked for extending the courtesy of a personal interview to Applicant's representative (Michael J. Shea) on July 18, 2005.

Reconsideration and allowance of this application are respectfully requested. Currently, claims 57-116 are pending in this application.

**Request to Approve Amendments to Drawings:**

The Office Action Summary (PTOL-326) indicates that "The drawing(s) filed on 26 June 2003 is/are: accepted." However, Applicant notes that amendments to the drawings (Fig. 3) were filed on December 8, 2004. Applicant respectfully requests approval and entry of these amendments to the drawings.

**Allowable Subject Matter:**

Claims 72, 78-83 and 116 have been indicated as being allowable. The Office Action also indicates that claims 69, 71, 75-77, 99 and 100 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By this Amendment, claims 69, 71, 75, 76, 99 and 100 have been rewritten in independent form including all of the limitations of their respective base claims and are thus allowable. Claim 77 remains dependent from now allowable claim 76.

**Rejections Under 35 U.S.C. §102 and §103:**

Claim 63 was rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Oswald et al (WO 98/00729, hereinafter “Oswald”). Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element must be found, either expressly or under principles of inherency, in the reference. Each element required by claim 63 is not found in Oswald. As discussed during the interview, for example, Oswald fails to disclose or even suggest “said at least three receiving elements are arranged non-collinearly and such that there is no axis about which the array is symmetrical even if the axis passes through one or more of the at least three receiving elements.”

Claims 57-62, 64, 66-68, 85-93, 98, 101-107, 109 and 113-115 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Oswald. Applicant respectfully traverses this rejection.

In order to establish a prima facie case of obviousness, all of the claim limitations must be taught or suggested by the prior art. Oswald fails to teach or suggest all of the claim limitations of claim 57 such as “a detector, coupled to the receiver, for detecting the timing of the returned probe signals as received at one of the plurality of spaced apart locations and the timing of the returned probe signals as received at one or more other of the plurality of spaced apart locations, and measuring the relative timing between the detected timings.” Independent claim 115 requires a similar feature.

Accordingly, independent claims 57 and 115 and their respective dependents require that the relative timing between returned probe signals received at spaced apart locations is actually measured. The signals received at spaced apart locations are therefore jointly considered together in order to obtain positional information.

In contrast, Oswald discloses the separate processing of signals received at each received antenna to obtain positional information. In particular, Oswald is concerned with only the time between transmission of a signal from a transmitter and receipt of the signal at a receive antenna. The range of the object from a receiver is then obtained using that time between transmission and receipt.

The embodiment illustrated in Fig. 7 of Oswald includes a single transmitter 100 and three receive antennas 102, 104 and 106. In this embodiment (see, e.g., page 20, paragraph 3), Oswald is again concerned only with the time between transmission and receipt for each receive antenna considered separately, from which the range of the object from each receiver can be obtained separately. Those separately obtained ranges can then be combined in a triangulation process. The signal received at each receive antenna 102, 104 and 106 is therefore processed separately from a signal received at any other receive antenna.

The triangulation process disclosed by Oswald clearly does not involve measuring the relative timing between the detected timings of return probe signals at spaced apart locations, and then determining positional information based upon this measured relative timing.

**OSWALD et al.**  
**Application No. 10/603,608**  
**July 25, 2005**

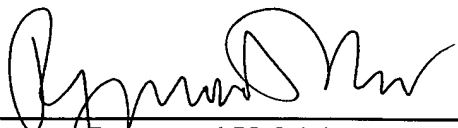
Claims 65-70 and 73-74 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Oswald in view of Hane et al (WO '716, hereinafter "Hane"). Claims 94-96 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Oswald in view of Kerry et al (WO '058, hereinafter "Kerry"). Claims 110-112 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Oswald in view of Chen et al (U.S. '915, hereinafter "Chen"). Applicant respectfully traverses these rejections. None of these secondary references (Hane, Kerry or Chen) remedies the above described deficiencies of Oswald. Accordingly, Applicant respectfully requests that the above rejections under 35 U.S.C. §103 be withdrawn.

**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:   
\_\_\_\_\_  
Raymond Y. Mah  
Reg. No. 41,426

RYM:sl  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203  
Telephone: (703) 816-4044  
Facsimile: (703) 816-4100